

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

703-0016

STIPULATED AGREEMENT No. 1024

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", CSX Transportation, Inc., hereinafter referred to as the "Company", the City of Chicago, hereinafter referred to as the "City", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through written correspondence that inquiry should be made into the matter of improving public safety at the highway underpass structure carrying the Company's tracks over a public highway known as Kedzie Avenue, located in the City of Chicago, Cook County, Illinois, designated as crossing DOT 163 515M, milepost 31.01B; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the highway underpass structure have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law ("Fund") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a). Lower the pavement under the subway structure at Kedzie Avenue, to increase the vertical clearance from the existing 13.5 feet (13.5') to a new minimum vertical clearance of 14 feet 6 inches (14'-6"), as indicated on Exhibit A, pages 2 through 8. This includes the rounding off of the top of the existing concrete median to allow water and salt solutions to be shed away from the steel columns.

DOCKETED

Section 3 The City and Company have prepared preliminary estimates of cost to accomplish the proposed improvements which they may be required to perform, said estimates are attached as Exhibits B-1 and B-2, and shall upon Order according to the requirements contained therein, prepare detailed drawings, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The City shall upon order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans to the Department should be one hundred twenty (120) days, for the submission of progress reports should be at six (6) month intervals, and for the completion of the proposed improvements should be twenty-four (24) months, from the date of Commission Order, subsequent to this agreement.

The CITY shall at six (6) month intervals from the date of the Commission Order subsequent to this Agreement, until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the total Project from the Grade Crossing Protection Fund and percentage of completion of the entire project. If the project is behind schedule, the report must also include a brief explanation of the reason(s) for the delay.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a.) The cost for lowering the pavement under the structure at Kedzie Avenue is estimated to be \$2,065,752. The Grade Crossing Protection Fund should pay 60% of the cost, not to exceed \$1,239,451. The City should pay the remainder of the construction costs. (Note: the line item concerning the Railroad Force Account work has been removed from the estimate. The Company has supplied its own Force Account estimate.)
- b.) The cost for the Company's Force Account work is estimated to be \$20,230. The Grade Crossing Protection Fund should pay 60% of the cost, not to exceed \$12,138. The City should pay the remainder of the Company's Force Account costs.
- c.) Future maintenance costs of the structure and the pavement shall be divided in the same manner as for the existing subway structure and roadway.

Section 6 The City is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the order and indicates this intent by Resolution attached as Exhibit C.

Section 7 Special Provisions. In view of the fact that federal funding may be

utilized for the structure and roadway improvements, any such funded work shall be governed by applicable provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted December 9, 1991.

Since the structure improvements will be performed by the City and/or its contractor, contractor insurance and railroad liability insurance will be required as specified in Illinois Department of Transportation "Standards and Specifications for Road and Bridge Construction" Section 107.

All bills for expenditures authorized to be reimbursed from the Grade Crossing protection Fund shall be submitted to the District Office of the Illinois Department of Transportation, 201 West Center Street, Schaumburg, Illinois, 60196-1096. Copies of all bills received shall be submitted to the Director of Processing and information, Transportation Division of the COMMISSION. The final bill for expenditures from each party (in the event the Company submits its own bills for railroad force account work and not through the contractor) shall be clearly marked "Final Bill". All bills shall be submitted to the COMMISSION no later than thirty-six (36) months from the date of COMMISSION Order subsequent to this agreement. The Department shall, at the end of the 36th month from the COMMISSION'S Order date, de-obligate all residual funds accountable for this project.


The CITY must at six (6) month intervals from the date of the Order subsequent to this Agreement, until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the Commission stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and project manager information (the name, title, mailing address, telephone number and facsimile number of the City's employee responsible for management of the project).

All contract submittals and construction correspondence is to go to Mr. David J. Fette, District Project Engineer, CSX Transportation, 1717 Dixie Highway, Suite 400, Ft. Wright, KY 41011-2785, telephone (859-344-8137) or the General Engineering Consultant assigned by CSXT.

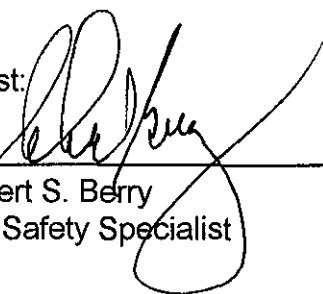
Section 8 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 16th day of December, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest: 

Robert S. Berry
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1024 concerning improvements at the highway underpass structure carrying of the tracks of CSX Transportation, Inc. over Kedzie Avenue, located in Chicago, Cook County, designated as crossing AAR/DOT 163 515M, milepost 31.01 A.

Executed by the City of Chicago this 2nd day of January, 2002/2003.

THE CITY OF CHICAGO

By: _____

[Signature] *ch*

Attest:

Matthew C. Berczart

RECEIVED
JAN 10 2003

Illinois Commerce
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1024 concerning improvements at the highway underpass structure carrying of the tracks of CSX Transportation, Inc. over Kedzie Avenue, located in Chicago, Cook County, designated as crossing AAR/DOT 163 515M, milepost 31.01 A.

Executed by the Department this 22nd day of January, 2002/2003.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James I. Easterday
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1024 concerning improvements at the highway overpass structure carrying the tracks of CSX Transportation, Inc. over Kedzie Avenue, located in the City of Chicago, Cook County, designated as crossing AAR/DOT 163 515M, milepost 31.01 A.

Executed by the Company this 3rd day of February, 2003.

CSX TRANSPORTATION, INC.

By: Dale W. Ophardt
Dale W. Ophardt
Chief Engineer - Design & Construction

Attest:

Rachel E. Gellersbach
Rachel E. Gellersbach
Corporate Secretary

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT SURVEY FORM

EXISTING HIGHWAY UNDER RAILROAD STRUCTURE

GENERAL INFORMATION:

RR/LINE CSX Transportation, Inc. MILEPOST 31.01A INVENTORY NO. 163.515M
CITY Chicago STREET Kedzie Avenue COUNTY Cook
ROADWAY JURISDICTION City URBAN ☒ RURAL COMMERCIAL ☒ RESIDENTIAL X
APPROACH SURFACE Bituminous WIDTH 21.5' for both northbound and south bound traffic
CONDITION Fair
ADT 14,000 SPEED 30 mph STATEWIDE Yes
SCHOOL BUSES Yes HAZ MAT OTHER
NUMBER AND TYPE OF TRACKS 3 MAIN TRAIN TRAFFIC 4

STRUCTURE INFORMATION:

JOB NO. B-1-427 ANGLE 90° CONDITION Good
PRESENT STRUCTURE TYPE Steel Plate Girder
NUMBER AND LENGTHS OF SPANS bridge deck 4 span
DECK WIDTH N/A ROADWAY WIDTH See above
WALKWAYS N/A WEARING SURFACE Asphalt
VERTICAL UNDERCLEARANCE 13.5'

COMMENTS: The roadway pavement is to be lowered under the structure to increase the vertical clearance from the existing 13.5' to new vertical clearances of 14.5'. The work also includes the replacement of the existing storm sewers.

The Company has reviewed the plans for the aforementioned reconstruction and has submitted its comments and railroad force account estimate, both of which have been incorporated into this Stipulated Agreement.